

Although mediation may not result in a written agreement resolving all of the issues, the process still can be useful. Mediation can help to eliminate points in a dispute, and parties generally come away with a better understanding of the issues and options for resolving them.

IS IT CONFIDENTIAL?

NNSA will ensure that the Mediation Program maintains the highest level of confidentiality. This will include holding the contractor to the highest standards of integrity. Dispute resolution communications are confidential and may not be disclosed by the parties or by a neutral third party unless:

- All parties to the proceeding agree in writing.
- The communication has already been made public.
- The communication is required by statute to be made public.
- A court determines that such testimony or disclosure is necessary to judicial proceedings.
- The communication is prepared by the party seeking disclosure.
- The communication is relevant to determining the existence or meaning of an agreement/award that resulted from the dispute resolution proceeding or to the enforcement of such an agreement or award.
- The communication is provided to, or is available to, all parties to the dispute resolution proceeding.

OUR MEDIATOR

Mediation services are contracted with GenQuest, Inc., which was founded in 1995. GenQuest provides training, business management, and administrative and technical support to government agencies, Federal contractors, and private businesses. GenQuest designs customized services for each agency, contractor, or client through its professional evaluation of client needs and the application of business solutions.

Toll-Free: 1-888-246-2460

505-246-2829

Fax: 505-246-0193

info@genquestinc.com

More complete information on the mediation program is available at the Service Center EEO/Diversity, Mediation website:

<http://www.doeal.gov/eo/mediation.html>



NNSA Service Center
EEO/Diversity Office
PO Box 5400
Albuquerque NM 87185
Phone (505) 845-5517
Fax (505) 845-4963

August 17, 2006, Issue #01

NNSA Service Center Mediation Program

Conflict Resolution Solutions Now



Brought to you by:

**Service Center
EEO/Diversity Office**

Mediate: *To resolve or settle (differences) by working with all the conflicting parties; to bring about (a settlement, for example) by working with all the conflicting parties.*

MEDIATION

Mediation, also known as Alternative Dispute Resolution, is a process where a trained, impartial third party helps two or more parties negotiate to resolve their workplace dispute.

At the NNSA Service Center, mediation is a voluntary, informal process for all parties to attempt to resolve workplace disputes.

HOW CAN MEDIATION HELP?

Individuals who reach agreement through mediation retain control of the dispute's outcome, and the result is more likely to meet their needs than a decision imposed from the outside. Mediation also gives individuals the opportunity to craft more creative solutions than might be available from an administrative law judge or other outside decision makers. Because those closest to the substance of the problem have designed their own settlement, the parties are far more likely to abide by it.

MEDIATOR'S ROLE

- Does not decide who is right or wrong, does not act as a judge, does not take sides, and does not place blame.

- Does not condone violence or threats as means for solving problems.
- Works equally with both parties.
- Is trained in the mediation process and various communication techniques.

WHEN TO USE MEDIATION

Use mediation where:

- Multiple workplace issues have to be resolved.
- There is no need to establish precedent, and there is no single "right" solution that is required.
- Tensions, emotions, or transaction costs are running high.
- Communication between the parties has broken down.
- Time is a major factor.
- Failure to agree does not clearly benefit one or more parties.
- Issues are complex and individual parties have an interest in maintaining confidentiality with respect to key issues.
- The parties want or need to maintain an ongoing working relationship.

HOW TO GET STARTED

If an employee has an issue that they would like to have mediated, they may contact **GenQuest** at (505) 246-2829 using the following timeframes:

- If you are considering filing an EEO complaint, contact an EEO Counselor within 45 calendar days of the alleged incident or action. At the initial counseling session, elect either traditional EEO Counseling or Mediation.
- If you are considering filing a grievance, the employee has 15 days to initiate the administrative grievance procedure from the date the event occurred. You will simultaneously contact Brenda Carroll, Human Resources Department, at (505) 845-4850 and GenQuest indicating a desire to mediate your grievance. Note: The EEO and grievance process is held in abeyance during mediation, and the employee may return to either forum if unsuccessful.
- If the conflict is not EEO or grievance based, but still a workplace conflict, contact GenQuest at anytime to initiate the mediation process.

PHASES OF MEDIATION

Introductory: Mediator tries to develop an atmosphere of reasonableness and trust in the mediator. Ground rules are established and agreed to.

Problem Solving: Continue to build trust, educate participants about the dispute from the others' perspective, and generate and evaluate possible solutions.

Closure: If all parties reach agreement, the mediator may help draft a document spelling out terms.